

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

VINCENT JOHN ALBANESE	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO.:
	:	
NEW JERSEY TRANSIT RAIL OPERATIONS, INC.	:	JURY TRIAL DEMANDED
Defendant,	:	

**COMPLAINT**

1. The plaintiff herein is a citizen and resident of the State of New Jersey, residing therein at 2 Lane Avenue, Apartment #2, Caldwell, NJ 07006.

2. This action arises under the Act of Congress, April 22, 1908, c. 149, 35 Stat. 65, and amendments thereto, U.S.C.A. Title 45, §51 et seq., and further amended by the Act of Congress, approved by the President of the United States on August 11, 1939, Chapter 685 - First Session of the 76th Congress, known and cited as "The Federal Employers' Liability Act" and under "The Federal Safety Appliances Act," Title 49, U.S.C.A., §§20301, et seq., and "The Federal Locomotive Inspection Act," Title 49 U.S.C.A., §§20701, et seq.

3. The defendant is a corporation duly organized and existing under and by virtue of the laws of the United States of America.

4. At the time and place hereinafter mentioned and for a long time prior thereto, the defendant, as a common carrier, operated trains carrying passengers, freight, express packages, baggage and foreign and domestic mail, in commerce, between the different states of the United States and its territories.

5. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendant, its agents, servants, workmen

and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

6. At the time and place hereinafter mentioned, the plaintiff and the defendant were engaged in interstate commerce between the different states of the United States and its territories.

7. All of the property, equipment and operations involved in the accident herein referred to were owned by and under the control of the defendant, its agents, servants, workmen and/or employees.

8. As a result of the accident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and will suffer the same for an indefinite time in the future; has undergone great physical pain and mental anguish and will undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of his aforesaid injuries; has been unable to attend to his usual duties and occupation and will be unable to attend to the same for an indefinite time in the future, all to his great detriment and loss.

9. The accident herein referred to was caused solely and exclusively by the negligence of the defendant, its agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

10. On or about February 25, 2016 at or about 5:47 p.m., and for some time prior thereto, plaintiff was employed by New Jersey Transit Rail Operations, Inc. as a passenger conductor.

11. On the aforementioned date and at the aforementioned time, plaintiff was assigned to train number 5746 traveling from High Bridge to Newark, New Jersey.

12. On the aforementioned date and at the aforementioned time, plaintiff was on the platform at the NJT Netherwood Station assisting with passenger boarding.

13. On the aforementioned date and at the aforementioned time, as a result of the negligence of the defendant, its agents, servants, workmen and/or employees, plaintiff was physically assaulted by an individual located on the platform who wanted to ride to Newark, New Jersey for free, causing plaintiff to sustain a serious, painful, and permanent injuries more particular hereinafter set forth.

14. The aforementioned accident was caused by the negligence and carelessness of the defendant and was not caused by any conduct on the part of the plaintiff.

15. The negligence of the defendant consisted of the following:

- (a) Failing to provided adequate, necessary and proper security at the NJT Netherwood Station;
- (b) Failing to properly train the plaintiff and his co-workers in self-defense;
- (c) Failing to provide the plaintiff with mace, pepper spray, tasers, stun guns, and/or other self-protection weapons;
- (d) Failing to properly coordinate with Municipal police for the protection at the Netherwood Station;
- (e) Requiring the plaintiff to be present and located on the platform of the Netherwood Station without adequate protection;
- (f) Failing to instruct the plaintiff on how to respond after being physically assaulted;
- (g) Failure to instruct plaintiff not to pursue someone who had assaulted him;
- (h) Failure of the NJT police to educate the plaintiff and other employees on the

proper precautions to take to avoid being physically assaulted;

(i) Failure to warn plaintiff of these dangerous conditions.

16. The aforesaid accident was caused by the negligence of the defendant, its agents, servants, workmen and/or employees, and by the defendant's violation of "The Federal Employers' Liability Act," and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

17. As a result of the aforesaid accident, plaintiff sustained injuries to his body, including but at this time not limited to, its bones, cells, tissues, nerves, muscles and functions. Plaintiff sustained C5-6 left-sided disc herniation; C4-5 small right-sided disc herniation; myalgia; cervicalgia; cervical radiculopathy; cervical spine injuries at levels C4 through C6; multiple abrasions and contusions to the body; post-traumatic stress disorder. Some or all of the above injuries are or may be permanent in nature. The full extent of plaintiff's injuries are not presently known.

WHEREFORE, plaintiff claims of the defendant, a sum in excess of One Hundred Fifty Thousand (\$50,000.00) Dollars.

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